THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date: 05-03-2007

WRIT PETITION No. 2735 OF 2007

BETWEEN:

K.Jagan Mohan Reddy

…Petitioner

And

Deputy Commissioner of Prohibition & Excise,
Ananthapur and others.

…Respondents

ORDER:

It is stated that the petitioner is the registered owner of the lorry bearing No.AP 02-U-8387 and the said vehicle has been seized in connection with the Excise offence punishable under Sections 7(A) read with Section 8-e of A.P.Prohibition Act, 1995 in Crime No.196 of 2006-2007 of Prohibition and Excise Station, Penukonda. The Prohibition and Excise Inspector filed a report before the Deputy Commissioner of Prohibition and Excise, Ananthapur for initiating consequential proceedings.

On an application filed by the petitioner the said vehicle was ordered to be released in his favour, pending disposal of the confiscation proceedings, on furnishing bank guarantee/FDR for Rs.6,10,000/- towards value of the said vehicle as assessed by the Motor Vehicle Inspector in favour of the Deputy Commissinoer of Prohibition and Excise, Ananthapur. Aggrieved by the said order dated 13-12-2006 in Rc.No.683/2006/B2, this writ petition has been filed.

Admittedly, an appeal lies against the said order before the Commissioner of Prohibition and Excise. The petitioner

submits that he has not been involved in the criminal case and no case has been registered against him and he has no knowledge about the said offence and therefore, the vehicle cannot be confiscated.

As the confiscation proceedings are pending before the Deputy Commissioner of Prohibition and Excise, Ananthapur, I am not inclined to express any opinion with regard to the said contention, but if no confiscation proceedings are passed, then there shall be sufficient security to recover the value of the said vehicle. Therefore, the conditions imposed by the Deputy Commissioner of prohibition and Excise, Ananthapur to furnish the Bank guarantee issued by any Nationalised Bank along with an undertaking that he will not sell, transfer or alienate the said vehicle in favour of any third party pending disposal of the case and that he will produce the same as and when called upon are just and reasonable. I do not see any merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

V.ESWARAIAH, J

Date: 05-03-2007.

Shr.